

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

STEVEN J. BANK,

Case No. 2:21-cv-02007-GMN-DJA

Petitioner, ORDER

v.

MARTIN D. HASTINGS,

Respondent.

Steven J. Bank filed a pro se 28 U.S.C. § 2254 habeas corpus petition on November 5, 2021 (ECF No. 1). On November 29, 2021, the advisory letter the court sent to Bank via U.S. Mail at his address of record was returned to the court with the notation “return to sender no longer in custody” (see ECF No. 3). Bank has failed to comply with local rules and file a notice of change of address. LR IA 3-1. Accordingly, this action is dismissed for failure to update address.¹

¹ The court notes that Bank states that he was a pretrial detainee and indicated on the face of the petition that he raised the claims he seeks to bring here to the Las Vegas Municipal Court in October 2021. Thus, he cannot have exhausted his state-court remedies prior to filing this petition with this court. *See Rose v. Lundy*, 455 U.S. 509 (1982) (A federal court will not grant a state prisoner’s petition for habeas relief until the prisoner has exhausted his available state remedies for all claims raised.); 28 U.S.C. § 2254(b).

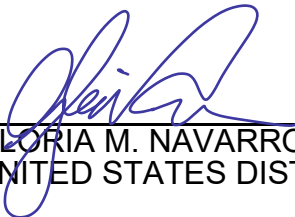
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IT IS THEREFORE ORDERED that the petition is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk enter judgment accordingly and close this case.

DATED: 2 December 2021.



GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE